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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. L. 1412—Ml. 92-33-1, dated 23rd August 1933.

The following draft of the rules regulating the election of members to municipal councils in City Municipalities which the Government propose to make in supersession of the existing rules on the subject and in exercise of the powers vested under sections 10, 11, 228 (2) (b) of the Mysore City Municipalities Regulation, 1933, and all other powers in this behalf are published, under sub-section (4) of section 228 of the Regulation, for the information of persons likely to be affected thereby, and notice is hereby given that the draft rules will be taken into consideration on or after the 4th September 1933. Any objection or suggestion which may be received from any person with respect to the proposed rules before the aforesaid date will be taken into consideration.

City Municipal Election Rules.

Definitions.

In these rules,

(1) "The Regulation" means the Mysore City Municipalities Regulation, 1933,

(2) "Returning Officer," means the Municipal Commissioner if there be one for the municipality, or the President of the municipal council concerned in other cases.

Divisions and elective councillors.

2. (1) The municipal council may, with the previous approval of Government, divide the municipality for electoral purposes into as many divisions or mohallas as may be necessary, the boundaries of which shall be clearly defined, and when such a division has been made, shall apportion the number of elected councillors over the said divisions in the proportion, as nearly as may be, of the population thereof.

(2) The Mysore Chamber of Commerce, Bangalore, and such other associations or public bodies as may be recognised by the Government for the purpose shall also be entitled to elect a member to the municipal council concerned in accordance with rules or bye-laws made in this behalf by such associations or public bodies.

(3) The municipal council may, with the previous approval of Government, alter from time to time the number of the divisions or mohallas in the municipality.

Preparation and publication of list of voters.

3. A list of voters showing the persons entitled to vote in each division shall be prepared by the Returning Officer not less than three months prior to the date on which the term of office of the municipal councillors will expire.

4. (1) A copy of the list so prepared shall be published by affixing a copy thereof—

(*a*) in Kannada, and

(*b*) if the Returning Officer so directs, in English also, at the municipal office, and in such other conspicuous places in the municipality as the said officer may consider suitable.

(2) When the list has been so published, the Returning Officer shall, by beat of *tom tom* and printed handbills, give public notice thereof, and of the places where the list or a copy thereof may be inspected as also of the fact that any person entitled under rule 8 (1) to prefer an objection or claim may apply in writing to the Returning Officer for the amendment of the list.

(3) A copy of the handbill shall also be published both in Kannada and English in the *Mysore Gazette* and copies thereof shall be affixed in the municipal office.

Qualifications of voters.

5. The following persons who have completed 21 years of age shall be qualified to have their names entered in the list of voters or in the election roll, *viz.*—

(A) Every person who, for the preceding year, was assessed to taxes other than octroi or toll, imposed in the municipality for a sum not exceeding Rs. 5 a year.

(B) Every person who, for a period of not less than six months next preceding the date on which by these rules a list of voters is required to be prepared or revised, has been resident of the Municipality, and

(*a*) who was assessed in the previous year to income-tax, or

(*b*) who is a registered holder of lands assessed (or in the case of alienated lands, would be assessed if not alienated) to land revenue at an amount not less than Rs. 5 in the municipality, or

(*c*) who on the first day of July next preceding the date of publication of the election roll, occupied for the purpose of dwelling or for purposes of any trade, business or profession,

(i) a house or building,

(ii) part of a house or building which is separately assessed to a tax of Rs. 5 a year, or

(*d*) who is in receipt of a pension of not less than Rs. 15 per mensem from Government or from any public body or corporation or company registered, or

(*e*) who is a graduate of any University, or

(*f*) who is an advocate of the High Court of Mysore, or

(*g*) who is a pleader holding a sannad from the High Court of Mysore, or

(*h*) who is a person upon whom titles have been conferred by the Government of India or by His Highness the Maharaja of Mysore, or

(*i*) who is a servant of the Government or of any public body or of any corporation or company registered under the Mysore Companies Regulation whose salary is not less than Rs. 50 per mensem.

Manner of voting in particular cases.

6. (1) When any qualification prescribed by clause (A) of rule 5 is possessed by an undivided family or a

company or firm or any other association or body of individuals or trustees, being two or more in number of any building or land, then the manager or the senior member of such family, or any one individual person, duly authorised in this behalf by the members of such family, or company or firm or association or body of individuals or trustees, upon an application in writing which he shall give, within a fortnight from the date of the publication of the list of voters, to the Returning Officer shall be qualified to have his name entered in the list of voters on behalf of such family or company or firm or association or body of individuals or trustees.

(2) If no individual person applies in accordance with sub-rule (1) to have his name entered in the list as the representative of such undivided family or any company or firm or association or body of individuals or trustees, the municipal council may determine which individual person shall be entitled to represent such family or company or firm or association or body of individuals or trustees and shall enter his name in the list as the person qualified to vote on behalf thereof.

(3) If any person is entitled to vote not only in his individual capacity, but also as a representative of such family or company or firm or association or body of individuals or trustees, his name shall be entered in the said list as if he were entitled to vote separately in each of such capacities.

(4) Except in the case mentioned in sub-rule (3), no person shall be entitled to more than one vote by reason of being qualified under two or more of the tests of qualifications prescribed by rule 5.

Division in which vote may be given.

7. Each voter shall be entitled to vote in the division in which he resides, or, in the case of a qualification arising from being assessed to municipal taxes, in the division in which he is assessed.

Provided that—

(*a*) no person shall be entitled to vote in more than one division ;

(*b*) any person possessing the qualifications of a voter in connection with more than one division shall be at liberty to choose for which of such divisions he shall be entitled to vote and,

failing his doing so within a week after public notice has been given calling upon all such persons to make their choice, shall be entitled to vote in such division as the municipal council shall determine;

(*c*) a person shall be entitled to vote only in a division for which his name is entered in the election roll.

Revision of list and appeals.

8. (1) Any person whose name is not entered in the list of voters published as aforesaid and who deems that he is entitled to have his name entered therein, and any person whose name is entered in the said list who thinks that his own name or that of some other person has been wrongly entered therein, may apply in writing within a fortnight from the date of publication of the list to the Returning Officer for the amendment thereof.

(2) The Returning Officer shall forthwith forward every such application, with his report thereon, for the decision of the municipal council.

(3) The said officer may also bring to the notice of the municipal council within a fortnight from the date of the publication of the list, any additions to, or omissions from, or corrections in the list, which he shall discover to be necessary otherwise than on the application of any person interested therein.

(4) Notice of every application under sub-rule (1) and of every reference under sub-rule (3) shall be given by the municipal council receiving the same to any person affected thereby, and the municipal council at its next meeting shall consider and pass orders on such application or reference. A copy of every order so passed upon an application shall, without delay, be communicated to the person by whom the application was made and a copy of every order, whether upon an application or reference, shall, without delay, be communicated to any person whose name is thereby ordered to be removed from the list of voters.

(5) An appeal shall lie to the Government from the decision of a municipal council, but the Government may decline to entertain any appeal which is not presented within ten days from the date when the decision of the municipal council is communicated to the appellant.

Every order passed by the Government under this rule shall be final.

Publication and custody of election roll.

9. (1) The list of voters shall be amended in accordance with the decision of the municipal council or the Government, as the case may be, and a copy thereof signed by the Returning Officer shall be the municipal election roll.

(2) The municipal election roll shall be published in the manner prescribed in rule 4 within a month and a half from the date of publication of the list of voters.

(3) Every such election roll shall be entered in a book each page of which shall be signed by the officer aforesaid and sealed with the common seal of the municipal council. The said book shall be kept in the municipal chest or safe under lock and key, and the officer whose duty it is to keep the key of the said chest or safe shall be responsible for the safe custody of the said book.

Amendment of election roll.

10. The municipal council shall be "the prescribed authority" for exercising the powers under clauses (*b*) and (*c*) of section 11 of the Regulation.

Qualifications of candidates.

11. Subject to the provisions of section 11 and to the disqualifications mentioned in section 12 and subsections (3) and (6) of section 20 of the Regulation, every person who is qualified to be a voter under rule 5 shall be qualified to be a candidate.

(2) Any person who is qualified to be a candidate may stand for election either in the division for which his name is entered in the election roll or in any other division.

Time and place for elections.

12. All municipal elections—whether general or casual—shall be held on such dates between such hours and at such place or places as may be fixed by the Returning Officer. Written notice of such elections shall be given and published both in Kannada and English not less than one month before the date fixed for election. Copies of the notice shall be affixed at the municipal office and at

such other conspicuous place or places within the municipality as the municipal council appoints for this purpose.

Applications from candidates.

13. Every person who wishes to stand for election in any division shall, before fifteen days fixed for the date of election, signify his intention by applying in writing to the Returning Officer in the Form A hereto appended.

Deposit by candidates.

14. (1) Every candidate shall deposit or cause to be deposited in a Government Treasury a sum of one hundred rupees in cash and forward the treasury receipt along with his application for candidature, and no application shall be valid unless accompanied by such receipt.

Savings Bank deposits or State Loan bonds of equal value at the market rate of the day, shall, if tendered, be accepted from candidates standing for election in lieu of cash deposit. Provided that Form No. 1 of Annexure E of the Savings Bank Rules (printed as Appendix C) is signed by them authorising the Returning Officer to treat the same as deposit in the former case, and the bonds are endorsed in favour of the Comptroller in the case of the latter.

(2) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer before the poll has commenced. A candidate who has withdrawn his candidature shall not be allowed to cancel such withdrawal.

(3) If a candidate by whom or on whose behalf the deposit referred to under sub-rule (1) has been made, withdraws his candidature in the manner specified under sub-rule (2) *and before 3 p.m. of the next working day after the latest date on which applications for candidature have to be presented*, or if his name is rejected by the Returning Officer, the deposit shall be returned to the person by whom it was made, and, if any candidate dies before the commencement of the poll, any such deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made or to the legal representative of such person.

(4) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made, is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled *or if a candidate withdraws his candidature after the time specified in sub-rule 3*, the deposit shall be forfeited and credited to the municipal fund.

Explanation.—For the purpose of this sub-rule, the total number of votes polled shall be deemed to be the total number of voting papers, other than spoilt voting papers collected.

(5) The deposit made in respect of a candidate who is not elected, if it is not forfeited under sub-rule (4), and the deposit made in respect of a candidate who is elected, shall be returned to the candidate or to the person who has made the deposit on his behalf or to his legal representative, as the case may be, as soon as may be after the publication of the result of the election in the *Mysore Gazette*, provided that if a candidate has stood for election in more than two divisions not more than two of the deposits made by him or on his behalf shall be returned in any case and the remainder shall be forfeited to the municipal fund.

Preparation and publication of list of eligible candidates, etc.

15. (1) The Returning Officer shall, at 5 P.M. on the last day fixed for receiving applications for candidature, read out the names of all the candidates whose applications have been received and a list of such candidates shall forthwith be posted up under his signature in the Municipal office with a notice that objections, if any, to the candidature of the person specified in the list will be heard and disposed of by him at 3 P.M. on the third working day after the date of the publication of the aforesaid notice. He shall hear objections, if any, and after such summary enquiry as he may deem necessary regarding such objections, he shall prepare a list of such persons as are considered by him to be eligible under the foregoing rules to stand for election and announce their names. If any name is rejected, the reason for such rejection shall be recorded. A list of such candidates shall be posted up with the symbols, if any, assigned under sub-rule (2) under his signature in the municipal office.

(2) When the number of eligible candidates is more than the number of members to be elected, the Returning Officer may assign to each candidate a symbol out of those approved from time to time by the Government in this behalf.

(3) A list of eligible candidates with the symbols, if any, assigned under sub-rule (2) shall be published with the least practicable delay under the signature of the Returning Officer in the municipal office.

(4) On the day of election, the list of candidates and the symbols assigned for them shall be displayed prominently at the polling stations for the information of the voters.

Conduct of elections.

16. When the number of candidates does not exceed the number of vacancies, the candidate or candidates may be declared elected by the Returning Officer without any votes being recorded. For purposes of rule 31 of these rules, such candidates shall be considered to have got the highest number of votes.

17. If there are more candidates than there are vacancies, votes shall be taken in accordance with the procedure prescribed in the following rules.

18. The Returning Officer shall fix a polling station for each division and at each polling booth, a separate ballot box properly screened off from others shall be kept so that purdah women may vote separately.

19. The Returning Officer shall appoint one or more polling officers to preside at each polling station with as many assistants as he thinks necessary. The said officer shall also appoint one or more identifying officers at each polling station to assist the polling officer in identifying the voters.

20. (1) On the morning of the election day, the polling officer shall be supplied with a sealed box provided with an aperture for receipt of voting papers, an election roll and a bound book or books of voting papers serially numbered in foil and counterfoil, one voting paper for each voter in the election roll.

(2) The Returning Officer may give such special directions as may be necessary for the provision of ballot boxes, cubicles or screens, and other matters of detail.

21. (1) The voting paper shall be printed in Form B, hereto appended and shall contain the names of all the candidates.

(2) Specimen voting papers shall be posted outside the polling booth for the guidance of voters at least 48 hours before the election commences.

22. If before the poll has commenced, a person whose candidature has been published under sub-rule (4) of rule 15 withdraws his candidature or dies, or if the Returning Officer is satisfied, after affording an opportunity to hear the candidate, that he is disqualified to be a candidate or that the declaration made in his application is not true, the Returning Officer or the Polling Officer under the Returning Officer's orders may remove the name of such candidate from the voting paper.

23. (1) On the day of the election, the polling officer shall admit to the ante-room of the polling booth the candidates whose names are displayed under rule 15 (4).

(2) Besides candidates, only voters, and such persons (if any) as may be admissible under special directions given by the Returning Officer in this behalf, shall be admitted to the polling booth.

24. The candidates shall not speak to or address any intending voter in the ante-room, but may only address to the polling officer objections to a voter on the following three grounds :—

First.—That his name is not on the list of voters of the division in respect of which the election is being held.

Second.—That his claim to be a particular voter shown on the list of voters is false.

Third.—That he has already voted.

Any person breaking this rule may be expelled from the ante-room by the polling officer and shall not be re-admitted during the election.

25. The procedure for recording each voter's vote shall be as follows :—

(*i*) The vote shall be given by ballot.

(*ii*) There shall be no voting by proxy.

(*iii*) As each intending voter enters the ante-room, his name and his number in the election roll shall be announced so that all present can hear them.

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(*iv*) The polling officer shall dispose of any objections raised by candidates and, when satisfied that the intending voter is entitled to vote and has not yet voted, shall initial the foil of a voting paper and, after taking the voter's signature or mark on the counterfoil, and endorsing the paper across the junction of the foil and counterfoil with a seal, give the foil to the voter and admit him to the polling room.

(*v*) The voter, after making a cross in column 4 of the voting paper against the names of any candidates for whom he wishes to vote, and after folding and closing the voting paper, put it into the ballot box.

(*vi*) On the request of a voter who through blindness or illiteracy or any other cause is incapable of recording his vote for himself, the polling officer shall assist him, if so desired, in marking the vote on the voting paper and putting the voting paper into the ballot box and a record of the same shall be made on the voting paper and attested by the polling officer.

26. It shall be the duty of the polling officers and their assistants to see that votes are recorded with absolute secrecy, that only such persons as may be admitted to the polling booth under these rules are admitted thereto, and that persons who have recorded their votes or against whom objections have been heard and disposed of, leave immediately. It shall also be their duty to see that these rules and any special directions given by the Returning Officer thereunder are strictly observed in all respects.

27. On the conclusion of the poll, the polling officer shall seal up the aperture of the sealed box and forthwith deliver the box for safe custody to the Returning Officer or some one appointed by the said officer to take charge of it till the votes are counted. The polling officer shall seal up the book of counterfoils and unused foils and keep it sealed in his own custody till it is destroyed under rule 34.

Determination of results of elections.

28. The ballot box shall be opened and the votes counted at a special general meeting of the municipal

council by three scrutineers appointed for this purpose at the meeting.

29. Any ballot paper on which votes are given to more candidates than there are councillors to be elected shall be invalid.

30. If there is an equal number of valid votes in favour of each of two or more candidates for one vacancy, the selection of one such candidate shall be made by lot by the chairman of the aforesaid meeting, in such manner as the municipal council at such meeting shall determine.

31. Whenever one and the same person gets the highest number of votes in more than one division he will be at liberty to determine for which division he should be returned and in default of his doing so within 48 hours after the declaration of the results of elections, the Government shall declare him to have been elected for one such division. In such cases, the candidates who have got the next highest number of votes in the several remaining divisions will be taken to have been elected for those divisions. In the event of there being no such candidate in any such division, a fresh election shall be held for the same.

32. The results of the elections shall be declared by the chairman of the meeting and shall be recorded in the minutes of the proceedings of the meeting.

Custody and destruction of voting papers.

33. When the voting papers have been scrutinised, they shall forthwith be replaced in the ballot boxes from which they were taken and these boxes after being locked and sealed with the municipal seal, shall be kept by the municipal council in safe custody.

34. On the expiry of fifteen days from the date of the declaration of the results of the elections, or if any application regarding the elections is made to the District Judge under section 20 of the Regulation and such application is not finally disposed of before the expiry of the said fifteen days, then whenever such application has been finally disposed of, the voting papers including both those in the ballot box and those in the sealed book in the polling officer's custody shall be destroyed in the presence of such councillor or officer as the municipal council appoints for this purpose.

Report of results of elections.

35. The names of persons declared to have been elected under rules 16 and 32 shall be communicated with the least practicable delay to the Government for being notified in the *Mysore Gazette.*

R. RANGA RAO,
Chief Secretary to Government.

FORM A.

(REFERRED TO IN RULE 13.)

Form of application for candidature.

Name of division for which the candidate intends to stand for election.	
Name of candidate	
Father's name	
Age	
Address	
Number of the candidate in the election roll.	

Date..... Signature of candidate.

Declaration by the candidate.

I hereby declare that the information furnished above is true and that I possess all the qualifications necessary for election to the municipal council and that I am not subject to any of the disqualifications specified in the Mysore City Municipalities Regulation, 1933, or the rules framed thereunder to be a candidate.

Date..... Signature of candidate.

FORM B.

(REFERRED TO IN RULE 21.)

Counterfoil.

Voting Paper No.

Voter's number on Election Roll

Voter's signature or thumb impression.

Foil.

Voting Paper No.

Serial No.	Candidate's name	Candidate's symbol	Voter's mark
1			
2			
3			
4			
5			
6			
7			
8			

(1) The number of members to be elected is.....

(2) Place a cross mark thus × against the candidate / each of the candidates for whom you wish to vote.

(3) The mark should be placed against not more than.....name. / names.

ANNEXURE C.

(REFERRED TO IN RULE 14.)

No. *Dated..... 193 .*

To

The Officer in charge of the Treasury

at.....

SIR,

I have the honour to apprise you that I have authorised the Returning Officer of ..... municipality to treat the sum of one hundred rupees deposited by me in the Savings Bank at your treasury as security to the municipality, on behalf of myself / A. B. I agree that the same will not be payable to me until I shall produce to you the express written sanction of the Returning Officer of..... municipality for payment of the same. I have also agreed not to object to the payment by you of the whole or part of this deposit to the Returning Officer of..... municipality, upon his claiming it, and not to make any claim for interest from the date on which interest has ceased to accrue owing to the payment of the principal to the Returning Officer of..... municipality or from the date on which the Returning Officer of..... municipality, shall have revoked the authority to your treasury to pay me / A. B. the interest.

I have the honour to be,
Sir,
Your most obedient servant,

Place..... (Signature of Depositor).....

Date..... (Designation of Depositor).....